

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.¹

PROMESA

Title III

Case No. 17 BK 3283-LTS
(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER
AUTHORITY,

Debtor.

PROMESA

Title III

Case No. 17 BK 4780-LTS
(Jointly Administered)

**REPLY OF THE PUERTO RICO ELECTRIC POWER
AUTHORITY TO THE RESPONSE FILED BY JORGE MARTINEZ GARCIA
[ECF NO. 19726] TO THE FOUR HUNDRED TWELFTH
OMNIBUS OBJECTION (SUBSTANTIVE) OF THE PUERTO RICO
ELECTRIC POWER AUTHORITY TO DEFICIENT CLAIMS**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico ("Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Judge Laura Taylor Swain:

The Puerto Rico Electric and Power Authority (“PREPA” or the “Debtor”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as PREPA’s sole Title III representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² respectfully submits this reply (the “Reply”) to the response filed by Jorge Martinez Garcia (“Martinez Garcia”) [Case No. 17 BK 3283-LTS, ECF No. 19726]³ (the “Response”) to the *Four Hundred Twelfth Omnibus Objection (Non-Substantive) of the Puerto Rico Electric Power Authority to Deficient Claims* [ECF No. 19559] (the “Four Hundred Twelfth Omnibus Objection”). In support of this Reply, PREPA respectfully represents as follows:

1. On December 17, 2021, PREPA filed the Four Hundred Twelfth Omnibus Objection seeking to disallow each of the proofs of claim listed on Exhibit thereto (collectively, the “Deficient Claims”). Each of the Deficient Claims purports to be based on obligations owed to the applicable claimant by PREPA, but either (i) fails to provide any information identifying the nature or source of the obligations or explaining why PREPA or any other Title III Debtor is liable to the claimant, or (ii) identifies the nature or source of the obligation, but fails to explain how PREPA or any other Title III Debtor is liable to the claimant. Because of this failure to comply with the applicable rules, neither the Debtors nor the Court are able to determine the validity of the Deficient Claims.

2. Any party who disputed the Four Hundred Twelfth Omnibus Objection was required to file a response by 4:00 p.m. (Atlantic Standard Time) on January 17, 2022 in

² PROMESA has been codified at 48 U.S.C. §§ 2101–2241.

³ Unless otherwise stated, references to the docket shall refer to Case No. 17-3283.

accordance with the Court-approved notice attached to the Four Hundred Twelfth Omnibus Objection as Exhibit C, which was served in English and Spanish on the individual creditors subject to the Four Hundred Twelfth Omnibus Objection, the U.S. Trustee, and the Master Service List (as defined in the *Fifteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 17127-1]). *See Certificate of Service* [ECF No. 19706].

3. Martinez Garcia filed a claim against PREPA on October 27, 2020, which was logged by Prime Clerk LLC as Proof of Claim No. 177629 (the “Martinez Garcia Claim”). The Martinez Garcia Claim asserts a claim against PREPA in the amount of \$230,000,000. The Martinez Garcia Claim further states that Martinez Garcia worked for PREPA in 1986 “and the company did not provide us with any equipment and they knew that we were working with Asbestos. That same year a company came to tell us that we were working with Asbestos and because of this I have a lot of health issues.” The Martinez Garcia Claim did not provide any additional information or supporting documentation, such as an identification of where Martinez Garcia worked, how long he worked for PREPA, or what specific health issues Martinez Garcia suffered.

4. The Response was filed with the Court on January 1, 2022, and docketed as ECF No. 19726. Therein, Martinez Garcia states that he holds an employment claim, and provides as a basis for the claim “I was infected [at] work.” Further, Martinez Garcia indicated that his claim arose from a pending litigation, but the only case number he provided is the case number for the Commonwealth’s Title III proceedings, 17-bk-3283. The Response therefore does not provide any additional details regarding the nature of basis of Martinez Garcia’s alleged health problems. Without such information, neither PREPA nor the Court are able to determine whether PREPA has any liability to Martinez Garcia.

5. For the foregoing reasons, the PREPA respectfully requests that the Court grant the Four Hundred Twelfth Omnibus Objection and reclassify the Martinez Garcia Claim notwithstanding the Response.

Dated: April 11, 2023
San Juan, Puerto Rico

Respectfully submitted,

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